

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NOLAN JOHNSON, #210912,

Plaintiff,

Case No.: 05-CV-60101

vs.

HON. JOHN CORBETT O'MEARA
MAG. JUDGE WALLACE CAPEL, JR.

CARUSO, et. al.,

Defendants.

ORDER STRIKING "PLAINTIFF'S FIRST AMENDED COMPLAINT"

Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983, on May 5, 2005. On February 9, 2006, the undersigned issued an Order to Show Cause directing Plaintiff to provide proof within ten days of receipt of the Order, that he had exhausted his administrative remedies prior to filing suit in compliance with 42 U.S.C. § 1997e(a). On February 14, 2006, Plaintiff filed a "First Amended Complaint." On February 22, 2006, Plaintiff filed a Response to the February 9, 2006, Order to Show Cause, acknowledging that he had not exhausted his administrative remedies prior to filing suit.

Plaintiff cannot file suit or amend his Complaint, prior to exhausting his administrative remedies. Therefore, it is **ORDERED** that "Plaintiff's First Amended Complaint," be **STRICKEN**.

IT IS SO ORDERED.

The parties are hereby informed that any objections to this order must be filed with the district court within ten days after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

s/Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

DATED: March 2, 2006

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:
Cori E. Reyes, Assistant Attorney General, P. O. Box 30217, Lansing, Michigan 48909.

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Nolan Johnson, #210912, Parnall Correctional Facility, 1780 E. Parnall, Jackson, Michigan 49201.

s/James P. Peltier
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